

06U#098225 C

IN THE STATE COURT OF FULTON COUNTY

STATE OF GEORGIA

In re:)	
)	
CERTAIN)	
LITIGATION)	CIVIL ACTION ORDER
)	
In the State Court of Fulton County)	
)	

ORDER MANDATING CERTAIN CASE TYPES TO ELECTRONIC-FILING STATUS

1. APPLICATION OF ORDER. The Court, sua sponte, consolidates and designates the following case types to mandatory e-filing status:

Asbestos

Fen Phen

Mercury/Lead

Silicosis

Welding Rod Litigation

Medical Malpractice

Legal Malpractice

Any Civil Action With **Four (4)** Or More Plaintiffs

Any Civil Action With **Four (4)** Or More Defendants

Any Civil Action Where Damages Sought (Exclusive Of Interest and Attorney's Fees) Exceeds \$50,000

All Tort Cases

All Personal Injury Cases

Any Case Where the Claim Value Information On The Summons Is Left Blank Or Marked As "TBD"

Any case and all pleadings in that case involving one of the above case types must be E-filed pursuant to this order and governed by this order and the Court's Local E-filing Rules attached hereto as Exhibit A. No party will file paper pleadings in any e-file case category unless they satisfy the exceptions referenced in the Local E-file Rules.

All cases of the above case types are assigned to the electronic filing and service system provided by LNCL and authorized by the Fulton County Board of Commissioners on August 17, 2005 at the State Court of Fulton County's (hereinafter referred to as SCFC) request, or any successor system. By definition, parties wishing to electronically file or receive electronic service of any documents filed, must become participants to the Vendor's system or use the SCFC's public access terminals located at 185 Central Ave, S.W., TG100, Atlanta, Georgia.

2. DEFINITIONS. The following terms in this Order shall be defined as follows:
 - A. E-file - Electronic transmission of an original document (pleading) to the State Court via the Vendor's system. An E-file consists of either an E-Document, an E-Image, or both.
 - B. E-Service - Electronic transmission of an original document (pleading) to all other designated recipients via the Vendor's system. Upon the completion of any transmission to the Vendor's system, a certified receipt is issued to the sender acknowledging receipt by the Vendor system. Once the Vendor has served all recipients, proof of electronic service is returned to the sender.
 - C. E-Document - An electronic file of a word processing document which contains almost exclusively text.
 - D. E-Image - An electronic file of a document that has been scanned or converted to a graphical or image format.
 - E. Original Petition - An instrument that gives rise to a cause of action serving as an original or case initiating pleading.

F. Original Complaint - An instrument that gives rise to a cause of action serving as an original or case initiating pleading.

3. PUBLIC ACCESS TERMINAL. The public can e-file, research, download, view, and print electronically filed documents on a Public Access Terminal located in the Fulton County Clerk's Office located at Room TG-100, 185 Central Avenue, Atlanta, GA 30303. Parties may be charged for printed copies of documents.

4. ASSIGNMENT BY THE VENDOR OF PERSONAL IDENTIFICATION NUMBERS. Upon receipt by the Vendor of a properly executed E-file Subscriber Agreement, the Vendor shall assign to the party's designated representative(s) a confidential Personal Identification Number (PIN) used to file, serve, receive, review, and retrieve electronically filed pleadings, orders, and other documents filed in the assigned case. No attorney shall knowingly authorize or permit his/her PIN to be utilized by anyone other than authorized attorneys or employees of the attorney's law firm, or designated co-counsel, where it has been established in writing that designated counsel may file documents on behalf of the assigning counsel.

5. ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS. As of the commencement date of this Order, except as expressly provided herein, all pleadings, motions, memoranda of law, orders, or other documents filed in the above referenced case types shall be filed electronically through the system or at no charge on public access terminals.

A. Original Petition and Original Answers. Plaintiff shall file the Original Petition or Original Complaint in each case electronically via Vendor's system or at no charge via public access terminals. The clerk shall not accept or file any pleadings or instrument in paper form unless the litigant complies with the exception in the Local E-file Rules. Each defendant shall make arrangements with the Vendor prior to filing its first appearance or answer in such manner as to allow the electronic filing of its first appearance or answer in newly filed cases.

B. Subsequent Pleadings and Discovery. The clerk shall not accept or file any pleadings or instrument in paper form unless the litigant satisfies the E-file Local Rule

requirements to file paper. Depositions and other discovery referenced in any e-filed pleadings shall be attached electronically as exhibits to such pleadings. Parties shall promptly file with the Clerk sealed paper depositions when requested to do so by the Judge or the Judges' staff. Notices of discovery required by Unif. Ga. Super. Ct. Rule 5.2(2) must be e-filed. Parties must E-file a document either:

1. Through access to the Vendor 's system from the filing attorney 's office;
2. In person, by electronically filing through the Public Access Terminal located at the clerk's office. Parties filing in this manner shall be responsible for furnishing the pleading or instrument on an IBM formatted 3 1/2" computer disk, CD ROM, or any other disk compatible with the clerk's office-system to be uploaded in person;

C. Maintenance of Original Documents. Unless otherwise ordered by the Court, an original of all documents filed electronically, including original signatures, shall be maintained by the party filing the document and shall be made available, upon reasonable notice, for inspection by other counsel or the court. From time to time, it may be necessary to provide the Court with a hard copy of an electronically filed document.

D. Time For Filing And Effect of Use of E-file. Any pleading filed electronically shall be considered as filed with the Fulton County Clerk 's office when it is first submitted to E-file and transmission is completed (Authorized date and time). Any document filed after 11:59 p.m. EST on a day the court is open for business shall be deemed to have been filed on the next court day. Vendor is hereby appointed the agent of the Fulton County Clerk as to the electronic filing, receipt, service, and/or retrieval of any pleading or document in E-file. Upon receipt and filing of a document the Vendor shall issue a confirmation that the document has been received and filed. The confirmation shall serve as proof the document has been filed.

E. If the electronic filing is not filed with the court because of (1) inaccessibility to Vendor 's E-file system and Vendor is not able to provide facsimile filing on behalf of filing party, (2) an error in the transmission of the document to the Vendor which was unknown to the sending party, or (3) a failure to process the electronic filing

when received by the Vendor, the court may enter an order permitting the document to be filed nunc pro tunc.

6. FORM OF DOCUMENTS ELECTRONICALLY FILED.

A. Format of Electronically Filed Documents. All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings, and in such other and further format as the Court may require from time to time.

B. Representations by Using a Typographical Signature. Every pleading, document, and instrument filed in the E-file system shall be deemed to have been signed by the attorney or declarant and shall bear a facsimile or typographical signature of such person, along with the typed name, address, telephone number, and State Bar of Georgia number of a signing attorney. Typographical signatures shall be treated as personal signatures for all purposes under the Georgia Rules of Civil Procedure.

C. Electronic Title of Pleadings and Other Documents. The electronic title of each electronically filed pleading or other document ("papers"), shall include:

- (1) The party or parties filing the paper,
- (2) The nature of the paper,
- (3) The party or parties against whom relief, if any, is sought, and
- (4) The nature of the relief sought (i.e., "John Doe, et al.'s Motion to Compel Discovery and for Sanctions against Jim Smith"). The title shall be used for administrative purposes only.

7. ELECTRONIC SERVICE OF PLEADINGS AND OTHER DOCUMENTS. All parties shall make service upon other parties of Original Petitions and Original Complaints conventionally. All parties shall make service upon other parties of subsequent pleadings electronically through the E-file system. Parties, or their designated counsel, shall receive all documents E-filed and E-served upon them via access to the Vendor 's system at their office.

A. Effect of Electronic Service. The electronic service of a pleading or other document in E-file shall be considered as valid and effective service on all Parties and shall have the legal effect as an original paper document.

B. Service on Parties; Time to Respond or Act.

E-Service shall be deemed complete at the time a document has been received by Vendor's system as reflected by the authorized date and time appearing on the electronic transmittal. Effective with the commencement date of electronic filing, any period of notice or any right or duty to do any act or make any response within any period or on a date certain after the service of the document, which time period or date is prescribed by statute or rule of court, shall be strictly governed by the Georgia Civil Practice Act.

C. If electronic service on a party does not occur because of (1) inaccessibility to the Vendor's system; (2) an error in the transmission of the document to a party which error was unknown to the serving party or Vendor, (3) a failure to process the electronic filing for service when received by the Vendor, OR (4) the party was erroneously excluded from the service list, the party to be served, in the absence of extraordinary circumstances, shall be entitled to an order extending the date for any response or the period within which any right, duty or other act may be performed.

8. CONVENTIONAL FILING OF DOCUMENTS. Notwithstanding the foregoing, the following types of documents may be filed conventionally and need not be filed electronically, unless expressly required by the Court or the Court Clerk.

A. A motion to file specific documents under seal shall be filed and served electronically, along with a proposed order to seal the document. Once an order to seal the document is signed, the litigant shall e-file the pleading, and the litigant shall seal it using the EFSP's sealing function. If a litigant seeks to seal an entire case and/or proceed in pseudonym, the litigant shall present a paper motion and proposed order to seal the case to the assigned Judge. After the Judge signs the order sealing the entire case, the litigants shall e-file the motion, order and subsequent pleadings electronically and the litigants shall utilize the EFSP's sealing function.

B. Exhibits to declarations or other documents that are real objects (e.g. x-ray film or vehicle bumper) or which otherwise may not be comprehensibly viewed in an electronic format may be filed and served conventionally, in paper form.

9. COLLECTION OF FEES FOR INSTRUMENTS REQUIRING FEE PAYMENT.

A. Any instrument requiring payment of a Statutory filing fee to the SCFC in order to initiate a cause of action and achieve valid filing status shall be filed electronically as an E-file document. If a filing fee is required, immediately upon acceptance of the filing by the review clerk, Vendor will credit the designated court account via ACH (Automated Clearing House) the proper amount in accordance with the State Court of Fulton County Schedule of Fees within 24 hours of the filing.

B. Fees charged by Vendor to parties or attorneys for access to and electronic transmission of documents are solely the property of Vendor and are in addition to any charges associated with required filing fees of SCFC.

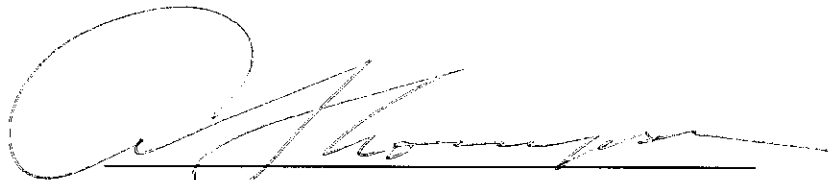
10. ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS.

The Court may issue, file, and serve notices, orders, and other documents electronically, subject to the provisions of this Order.

11. EFFECTIVE DATE OF ORDER

This order applies to new cases filed on or after June 1, 2006, as wells as to any case e-filed before June 1, 2006.

SO ORDERED, this 31 day of may, 2006.

A handwritten signature in cursive script, appearing to read 'A. L. Thompson', written over a horizontal line.

Chief Judge Albert L. Thompson
State Court of Fulton County